IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY**

**WRIT APPEAL No. 312 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/11/2004 in WPMP No.4133 of 2004 in WP No. 3125 OF 2004 on the file of the High Court.)

Between:

1. The Government of Andhra Pradesh, Rep. by its Secretary, Revenue Department, (L.A) Secretariat Buildings, Hyderabad.
2. The District Collector, Ongole, Prakasam District.
3. The Land Acquisition Officer/Revenue Divisional Officer, Ongole,Prakasam District.
4. The Mandal Revenue Officer, Santhanuthalapadu, Prakasam District.

**..... APPELLANTS**

AND

1. Kattineni Chenchu Reddy, S/o. Punna Reddy,
Pernamitta Village, Santhanuthalapadu Mandal, prakasam District.
2. Kattineni Venkata Subbamma, W/o. Chenchu Reddy,
Pernamitta Village, Santhanuthalapadu Mandal, prakasam District.
3. The General Manager, Prakasam District Milk chilling Centre,
Pernamitta, Prakasam District.

**.....RESPONDENTS**

**Counsel for the Appellants: GP FOR LAND ACQUISITION**

Counsel for Respondent Nos.1 & 2: Mr.M.N.Narasimha Reddy

Counsel for Respondent No.3: -----

**The Court made the following :**

**ORAL JUDGMENT:**

(per Honourable Sri Devinder Gupta, the Chief Justice)

The grievance of the appellants is that the learned Single Judge has disposed of W.P.M.P. No.4133 of 2004 while the Writ Petition is still pending and counter affidavits have not been filed. Directions have been issued to the appellants only to pay 80% of the compensation calculated at the existing rates of compensation within two weeks from the date of the receipt of the said order to the writ petitioners, though, as per the averments made in the writ petition, possession is with the 5th respondent in the writ petition, who is Respondent No.3 before us and the prayer in the writ petition is to issue direction to the respondents to initiate land acquisition proceedings for acquiring the land in question.

Even as per the averments made in the writ petition, it is the Prakasam District Milk Chilling Centre, which is in possession of the property and has raised construction. Therefore, liability, if any, is that of the Prakasam District Milk Chilling Centre to make payment and not that of the Collector, Land Acquisition and the other appellants, inasmuch as the notification under Section 4(1) of the Land Acquisition Act was already quashed in Writ Petition No. 17448 of 1986 on 3.2.1989. Therefore, the directions made in WPMP No. 4133 of 2004, by the order impugned in this Appeal, cannot be sustained. The Writ Appeal is allowed and the impugned order is set aside. WPMP No. 4133 of 2004 is dismissed with direction to dispose of the writ petition in accordance with law, as expeditiously as possible.

Learned counsel for the appellants submits that he will file counter affidavit within four weeks from today. The Writ Petition be posted for hearing after Summer Vacation of 2005 on the top of the list, subject to part-heard cases.

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DEVINDER GUPTA, C.J.

2.3.2005.

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B.SESHASAYANA REDDY, J.

VR.

**To**

1. The Secretary to Government of Andhra Pradesh, Revenue Department, (L.A) Secretariat Buildings, Hyderabad.
2. The District Collector, Ongole, Prakasam District.
3. The Land Acquisition Officer/Revenue Divisional Officer, Ongole, Prakasam District.
4. The Mandal Revenue Officer, Santhanuthalapadu, Prakasam District.

5. The General Manager, Prakasam District Milk chilling Centre, Pernamitta, Prakasam District.

6. Two CCs to the Government Pleader for Land Acquisition, High Court Buildings, Hyderabad (OUT).

7. 2 CD copies.

8. The Section Officer, Writ Posting Section, High Court of A.P., Hyderabad.

9. One cc to the Section Officer, Writ Filing Section, High Court of A.P. Hyderabad.

**Form-NIC-OGS/WA {SPJS}**